



# *Arizona Peace Officer Standards and Training Board*

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## **Minutes of Meeting February 21, 2018**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on February 21, 2018, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Sergeant Chris Andreacola, Tucson Police Department  
Sergeant Leo Aparicio, Pinal County Sheriff's Office  
Chief Byron Gwaltney, Pima County Sheriff's Department  
Mr. Andrew LeFevre, Grand Canyon University  
Director Charles Ryan, Arizona Department of Corrections  
Colonel Frank Milstead, Arizona Department of Public Safety  
Chief Alan Rodbell, Scottsdale Police Department

### Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office  
Chief Lawrence Hall, Buckeye Police Department  
Mr. Richard Wooten, Public Member

### Staff in Attendance:

Jack G. Lane, Executive Director  
Billy Caldwell, Compliance Specialist  
Marie Dryer, Program Administrator  
Steve Enteman, Training Supervisor  
Cathy Hawse, Compliance Specialist  
Arlene Heckel, Compliance Specialist  
Steve Jacobs, Compliance Specialist  
Mike Orose, Compliance Specialist  
Mark Perkovich, Program Administrator  
Cynthia Sawyer, Training Compliance Specialist  
Sandy Sierra, Administrative Services Officer  
Lori Wait, Compliance Specialist  
Don Yennie, Program Administrator

Assistant Attorneys General:

Michael Saltz  
Seth Hargraves  
Jeanne Galvin

**A. Call to Order**

Chairman Mascher called the meeting to order at 10:00 a.m. and asked Director Ryan to lead everyone in reciting the Pledge of Allegiance.

**B. Introductions, Presentations and Announcements**

*Jack G. Lane, Executive Director*

- Assistant Attorney General Jeanne Galvin will provide legal advice to the Board on the David T. Nguyen and Nancy Talamante cases.

**C. Executive Director’s Report**

*Jack G. Lane, Executive Director*

- Nothing new to report on the budget. The Governor’s 2019 budget, which includes \$837,000 being allocated to AZ POST for basic training funding, is still moving through the legislature.
- Attended the AZ Sheriff’s Association Meeting in Parker yesterday. Also attending were Mark Perkovich and Steve Jacobs.
- Continuing to monitor several Bills that are currently moving through the legislature. SB 2239 and SB 1498 are two Bills that we continue to oppose. SB 1259 no longer involves AZPOST and SB 1436 is one we will ask for an exemption on.

**D. Review, Discussion and Board Action on a Recommendation from the Budget Subcommittee regarding Basic Training Funding**

The Basic Training Funding Subcommittee was created in order to address the decrease in academy funding due to the decline in revenue over the past ten years. The AZPOST Board felt it would be beneficial to appoint a Subcommittee to review the budget situation in-depth and make recommendations to the Board on how to move forward. Members of the Subcommittee were: Chief Alan Rodbell, Chair; Mr. Andrew LeFevre; Sgt. Leo Aparicio; Chief Debra Black, Chief Randy Taylor and Mr. Phil Case.

The Subcommittee met two times to review budget materials and unanimously voted to support the proposal being presented to the Board today. The proposal will even the playing field for all the academies. The funding method previously used was not logical and some academies received more funding than others. The intent is to get this information out to the agency heads as soon as possible.

Chief Black addressed to Board to discuss the basic training funding issues that led to the creation of the Subcommittee. The proposal does not cover the basic training costs for any academy, but it’s a start. Fiscal year 2018/19 will be an exploratory year to see what academies do with the new funding proposal.

Chief Rodbell thanked all members of the Subcommittee and Executive Director Lane for all their hard work on this Subcommittee. He reiterated the need for alternative funding in order to not rely on CJEF funds.

Also discussed was academies charging a fee to outside agencies using their academy. Mesa PD academy charges \$500 for non-Mesa recruits. This is an option for an academy like SALETC that is staffed by Tucson PD.

The proposal presented to the Board today provides a fair and balanced funding mechanism to all the academies. It also provides academies funding for training costs associated with recruits who fail to graduate but complete at least 50% of the training curriculum.

Chief Rodbell made a motion to approve the proposal recommended by the Subcommittee regarding Basic Training Funding. The motion was seconded by Director Ryan and passed unanimously.

**E. Review, Discussion and Possible Action on a Petition from the Northern Arizona University Police Department for a Temporary Restricted Peace Officer Certification for Chief Kelli Smith**

The Northern Arizona University Police Department petitioned the Board to grant a temporary restricted peace officer certification to Chief Kelli Smith based upon physical limitations. Chief Smith will be restricted from being assigned any duty likely to result in the need to apply physical force, and further, the potential for such need is so remote as to be highly unlikely. The restricted certification is only effective while Chief Smith is employed with the Northern Arizona University Police Department.

Mr. LeFevre made a motion to grant a temporary restricted peace officer certification to Chief Kelli Smith. This certification would restrict Chief Smith from being assigned any duty likely to result in the need to apply physical force, and further, the potential for such need is so remote as to be highly unlikely and is only effective while Chief Smith is employed with the Northern Arizona University Police Department. The motion was seconded by Chief Rodbell and passed unanimously.

**F. Consent Agenda**

Colonel Milstead made a motion to accept the Consent Agenda. The motion was seconded by Director Ryan and passed unanimously.

Consent Agreements for Voluntary Relinquishment of Peace Officer Certification for the following:

Vitale N. Sessions	17-172	Mesa Police Department
Tehran M. Ryles	16-164	Maricopa County Sheriff’s Office
Jordan L. Sidebottom	17-178	Prescott Valley Police Department

Keith M. Storms	17-168	Marana Police Department
Kyla R. Sylvia	17-155	Marana Police Department
Tad H. Bowers	17-167	Phoenix Police Department

**G. Final Action Cases:**

1. #17-116 – David T. Nguyen – Maricopa Police Department

*Mr. Ahler (AAG) recused himself from this case.* The Board heard oral argument on the Administrative Law Judge's (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board. Mr. Nguyen was present and addressed the Board. The Board received legal advice regarding two typo modifications to the ALJ Decision and the motion from Assistant Attorney General Jeanne Galvin.

Chief Rodbell made a motion to accept the ALJ's Findings of Fact and Conclusions of Law, as modified, and deny peace officer certification to Mr. Nguyen. The motion was seconded by Sergeant Aparicio and passed unanimously.

2. #16-096 – Dallas P. Ragan – Maricopa County Attorney's Office

The Board considered comments from Assistant Attorney General Michael Saltz. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for a 1-year suspension of Mr. Ragan's peace officer certification. The suspension shall be in effect from June 22, 2016 through June 22, 2017. The motion was seconded by Chief Rodbell and passed unanimously.

3. #17-077 – Christian E. Perez – Phoenix Police Department

The Board considered comments from Assistant Attorney General Michael Saltz. Chief Gwaltney made a motion to reopen the case for reconsideration. The motion was seconded by Colonel Milstead and passed unanimously. Chief Gwaltney then made a motion to close this case with No Action with Agency Discretion. The motion was seconded by Colonel Milstead and passed unanimously.

4. #17-119 – David M. Ramirez – Fort Mojave Tribal Police Department

The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and deny peace officer certification to Mr. Ramirez. The motion was seconded by Chief Rodbell and passed unanimously.

*Case #5 was taken out of order and heard after Case #1.*

5. #17-102 – Nancy Talamante – Phoenix Police Department

The Board considered comments from Assistant Attorney General Seth Hargraves. Chief Rodbell made a motion to reaffirm the Board's denial and deny peace officer certification to Ms. Talamante. The motion was seconded by Director Ryan and passed unanimously.

6. #16-080 – Scott B. Duncan – El Mirage Police Department  
The Board considered comments from Compliance Manager Mark Perkovich. Sergeant Aparicio made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Duncan’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
7. #17-125 – Virgil Martin – Navajo Division of Public Safety  
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Martin’s officer certification. The suspension shall be in effect from July 25, 2017 through July 25, 2018. The motion was seconded by Mr. Ahler (AA) and passed unanimously.
8. #17-128 – Michael Peshlakai – Navajo Division of Public Safety  
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Peshlakai’s peace officer certification. The suspension shall be in effect from August 11, 2017 through August 11, 2018. The motion was seconded by Sergeant Andreacola and passed unanimously.

#### **H. New Charging Cases:**

1. #17-048 – Walt A. Hunter – Florence Police Department  
The Board considered comments from Compliance Specialist Billy Caldwell. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion.*** The motion was seconded by Chief Rodbell and passed unanimously.
2. #17-062 – Colleen M. Scionti – Globe Police Department  
The Board considered comments from Compliance Specialist Billy Caldwell. Chief Rodbell made a motion to ***Initiate Proceedings*** against Ms. Scionti’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
3. #18-003 – Luke D. Hyde – Prescott Valley Police Department  
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to close this case with ***No Action with Agency Discretion.*** The motion was seconded by Director Ryan and passed unanimously.
4. #17-177 – Luis G. Ruiz – Tucson Police Department  
*Sergeant Andreacola recused himself from this case.* The Board considered comments from Compliance Specialist Cathy Hawse. Director Ryan made a motion to ***Initiate Proceedings*** against Mr. Ruiz’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

5. #17-153 – Daniel S. Nicholas – Marana Police Department  
The Board considered comments from Compliance Specialist Arlene Heckel. Chief Rodbell made a motion to **Initiate Proceedings**. The motion failed due to lack of a second. Colonel Milstead made a motion to close this case with **Resolve in Future**. The motion was seconded by Mr. Ahler (AAG) and passed with one nay vote recorded for Chief Rodbell.
6. #14-145 – Joshua W. Adams – Phoenix Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs. Colonel Milstead made a motion to **Re-Initiate Proceedings** against Mr. Adams' peace officer certification; and to include the amended allegations. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
7. #17-183 – Autumn L. Shepard – Phoenix Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to **Initiate Proceedings** against Ms. Shepard's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
8. #17-154 – Timothy N. Truett – AZ Department of Economic Security - OSI  
*Mr. Ahler (AAG) recused himself from this case.* The Board considered comments from Compliance Specialist Lori Wait. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Truett's peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.

**I. Future Agenda Items**

The Sheriff's Association will hold a meeting on March 21; since that falls on the same day as our meeting, most sheriffs will be attending the Board meeting that day.

**J. Adjournment**

The meeting was adjourned at 11:33 a.m.